

From: Ed and Helen Isenberg
To: Microsoft ATR
Date: 11/16/01 9:40am
Subject: Proposed Microsoft settlement

I would like to register the strongest protest against the proposed settlement between the U.S. Government and Microsoft. The latter company has been found guilty of both being a monopoly and misusing the power, with a Court of Appeals confirming those convictions. Microsoft has been unwilling to abide by previous Consent Decrees, and its many public statements over the past years make it clear that they reject the very notion that antitrust legislation is valid or applies to it. If this settlement goes into effect it will have a very ineffectual enforcement mechanism, with Microsoft fully aware that violations will not result in serious punishment even if detected.

I first began working with computers in 1968 and, before becoming disabled 11 years ago, had reached senior marketing management in medium to very large computer companies. As might be expected, I am also a so-called "power user" of computers at home, my wife and I sharing two desktops and two laptops. I have worked with Microsoft as a partner, competed with it in the marketplace, and used its products on my computers, and so know the company in all its guises.

Microsoft, like most companies led by a single strong leader, takes on the personality of that leader. Mr. Gates has many fine attributes that have benefited his company, the computer industry and our nation and world. However, he has a "take no prisoners" "what's good for Microsoft is good for America" "laws don't apply to me" core belief system that has in the past and will continue to lead him to push his company past the legal limits for a company that holds a near-absolute monopoly in a major market segment.

Currently, within the mass-market arena, virtually all manufacturers, software developers and users are faced with only one choice: Microsoft and its products. By leveraging off its strength and control of the operating system and through illegal bundling and tying, Microsoft has gained monopoly control of not just the operating system but core applications (word processing, spreadsheet, presentation graphics, database management, and programming languages). More recently it has used these techniques to gain monopoly control of Internet browser software and web-creation software (its Frontpage product and Office Suite of products are designed to create web pages that won't work properly when viewed in a Netscape browser). Microsoft is quickly on its way to gaining control of the multimedia marketplace as well (e.g., Windows Media Player, MSN-Chat). It holds a very strong if not monopoly control over large segments of the computer games industry (with simulation games like Flight Simulator, Combat Simulator, Links/Golf, and the Bicycle-brand of simulated card games). It is currently

attempting to take effective control over the Java programming language, requiring developers to use its proprietary version of this multi-platform language or lose access to the end-user desktop. The only reason Microsoft doesn't completely control the home and small business finance software market is that the Justice Department nixed its attempted merger with Intuit (creators of Quicken).

It is one thing for Microsoft to use public relations to suggest that the antitrust effort is "anti-consumer" and "only of benefit to its competitors," but the government's antitrust Division should know better. The purpose of anti-trust laws is exactly to protect competition from unfair practices by monopolies. It was never envisioned as a consumer protection act; it is a "free marketplace protection act" that allows capitalism and competition to flourish in circumstances in which one company could use its size and strength to take over a market and destroy all competition. This is what Microsoft's goal has always been, it is what Microsoft has done in the past despite repeated warnings and consent decrees, it is what Microsoft is doing now even during the period the antitrust lawsuit was being litigated, and it is what Microsoft will do forever if the proposed government settlement is approved.

I personally do not look fondly at the prospect that all of my computing choices will be made by Microsoft. I do not think it will be meaningful competition if the only reason for other companies to create new software is in the hope to be bought out by Microsoft, where their products can be used or buried depending on not what is best for the public but what is best for Microsoft.

I most respectfully request that you rescind your settlement offer and go after more meaningful remedies as approved by the new Judge in the case.

Most sincerely yours,

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